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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANDREW TAN and RAEF LAWSON in their
capacities as Private Attorney General
Representatives, and RAEF LAWSON,
individually and on behalf of all other similarly
situated individuals,

Plaintiffs,

v.

GRUBHUB HOLDINGS INC. and
GRUBHUB INC.,

Defendants.

CASE NO. 3:15-cv-05128-JSC

**STIPULATION AND ~~PROPOSED~~ ORDER
REGARDING PRETRIAL DEADLINES**

Judge: Hon. Jacqueline Scott Corley

ACTION FILED: September 23, 2015

TRIAL DATE: September 5, 2017

Pursuant to Civil L.R. 6-2 and 7-12, the undersigned counsel of record for Plaintiff Raef Lawson (“Plaintiff”) and Defendants Grubhub Holdings Inc. and Grubhub Inc. (collectively, “Defendants” or “Grubhub”) jointly file the following Stipulation:

WHEREAS, on September 16, 2016, the Court issued Pretrial Order No. 1 that set the deadline for Hearing Dispositive Motions for March 9, 2017; the Final Pretrial Conference for May 4, 2017; and, the beginning of trial for June 5, 2017 (Dkt. 77);

WHEREAS on January 17, 2017, the Court extended all pretrial and trial dates and deadlines, and set the Deadline for Hearing Dispositive Motions for June 15, 2017 (later moved to June 29, 2017); the Final Pretrial Conference for August 10, 2017; and, the beginning of trial for September 5, 2017 (Dkt. 82);

WHEREAS, on July 11, 2017, the Court issued Case Management and Pretrial Order (Non-Jury) No. 2 (the “Order”) that set the discovery cut-off for August 11, 2017; the Final Pretrial Conference for August 24, 2017; and the beginning of Phase One Trial on September 5, 2017 (Dkt. 145);

WHEREAS, the Order sets the deadline for filing all items described in Part IV.A—including the Joint Proposed Final Pretrial Order, Motions In Limine, Joint Proposed Findings of Fact and Conclusions of Law, Separate Disputed Proposed Findings of Fact and Conclusions of Law, Separate Memoranda on Conclusions of Law, Trial Briefs on Issues of Law, and Copies of Rule 26(a)(3) Disclosures—for 21 days prior to the Final Pretrial Conference, which is August 3, 2017;

WHEREAS, the Order currently sets the deadline for filing all items described in Part IV.B—including Oppositions to Motions In Limine, Objections to Exhibits and Use of Depositions, and to lodge Trial Exhibits with the Deputy Clerk—for 14 days prior to the Final Pretrial Conference, which is August 10, 2017;

WHEREAS, the parties have met and conferred regarding the pretrial deadlines for all items described in Parts IV.A and IV.B, while considering the Court’s statement at the July 10, 2017 hearing that pretrial “submissions are . . . generally due a week before the pretrial conference” (July 10, 2017 Hr. Tr. at 42), and also considering that document productions, written discovery, and

depositions will be ongoing through the fact discovery cutoff of August 11, 2017, which is after the pretrial deadlines for the items described in Parts IV.A and IV.B;

WHEREAS, the parties agree that a modification of the deadlines to file the pretrial submissions described in Parts IV.A and IV.B of the Order is appropriate in light of the August 11, 2017 discovery cut-off and the discovery that remains to be completed, and that such modification of the deadlines will promote judicial efficiency and conserve the parties' and the Court's resources because the parties will be in a position to prepare and file one final set of pretrial submissions rather than prematurely filing incomplete submissions that will need to be supplemented (perhaps repeatedly) due to ongoing fact discovery;

NOW THEREFORE, the Parties hereby stipulate, subject to the approval of this Court, that:

1. The parties shall file Motions In Limine on August 11, 2017. The parties shall file Oppositions to Motions In Limine on August 17, 2017. There will be no Replies.

2. With the exception of Motions in Limine, the parties shall file all pretrial submissions listed in Parts IV.A and IV.B of the Order on August 17, 2017, which is seven days prior to the Final Pretrial Conference.

a. With respect to trial exhibits, the parties shall exchange proposed trial exhibits by August 11, 2017, and shall serve objections to those trial exhibits by August 15, 2017. Further, to the extent that documents are produced by the parties on or after August 11, 2017, the parties may further supplement their exhibit lists after August 11, 2017 with any documents produced on or after that date, or for which they have good cause for not having included earlier on their lists.

All other pretrial and trial dates and deadlines shall remain as currently scheduled.

Dated: July 21, 2017

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Dhananjay S. Manthripragada
Dhananjay S. Manthripragada

Attorneys for Defendants

1 Dated: July 21, 2017

LICHTEN & LISS-RIORDAN, P.C.

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3 By: /s/ Shannon Liss-Riordan
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~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 24, 2017

